

Minutes of the Maine Real Estate Commission

JULY 15, 2004

MEMBERS PRESENT

Earl Black
David Kitchen
Sharon Millett
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Carol Leighton, Director
Karen L. Bivins, Deputy Director
Judy Brown, Examiner
Robert Perkins, A.A.G.
Susan Greenlaw, Secretary

MEMBERS ABSENT

Location: Central Conference Room

Start: 9:05 a.m.

Adjourn: 3:10 p.m.

Minutes – June 17, 2004

A motion was made by Sharon Millett and seconded by Winfred Stevens to approve the minutes of the June 17, 2004 meeting as written. Unanimous.

Agenda Modifications

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to add the following to the agenda. Unanimous.

- Proposed Consent Agreements
#2002-038
#2003-132
#2004-070
- Proposed Dismissal
#2002-128
- Maine Association of Realtors – Request for Advisory Ruling

Hearings

The Chair opened the hearing in the matter of Director v. William Mouflouze. The Director was present and represented by Assistant Attorney General Robert Perkins. Mr. Mouflouze was present and not represented by counsel. Public deliberations were conducted at the close of the hearing. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to find Mr. Mouflouze in violation of 32 M.R.S.A §13067(1)(M). Unanimous. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to order the immediate revocation of Mr. Mouflouze's license. Kitchen, Millett, and Mitchell voted in the affirmative; Black and Stevens opposed. Motion carried.

The Chair opened the hearing in the matter of Landon Cohen v. Director. Mr. Cohen was present and not represented by counsel. The Director was present and represented by Assistant Attorney General Robert Perkins. David Kitchen recused himself and left the room. Public deliberations were conducted at the close of the hearing. A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to uphold the denial of Mr. Cohen's application for sales agent licensure. Unanimous.

The Chair opened the hearing in the matter of Director v. Herbert Dickey. Winfred Stevens recused himself and left the room. The Director was present. Mr. Dickey was not present and not represented by counsel. Assistant Attorney General Robert Perkins attended at Commission Council. Public deliberations were conducted at the close of the hearing. A motion was made by David Kitchen and seconded by Sharon Millett to find Mr. Dickey in violation of 32 M.R.S.A §13067(1)(F) and 13197(1). Unanimous. A motion was made by David Kitchen and seconded by Sharon Millett to order Mr. Dickey to pay a fine in the amount of \$500 within 30 days, to submit evidence of completion of three clock hours of approved continuing education to fulfill his education requirement for 2003 renewal within 30 days, and to complete 15 clock hours of continuing education along with his renewal application and fee for his December 2005 renewal. Unanimous.

Commission Decisions

Assistant Attorney General David Spencer presented the Commission with minor changes to the Decision regarding Richard Dupuis. A motion was made by David Kitchen and seconded by Sharon Millett to accept the Commission Decision in the matter of Director v. Richard Dupuis (hearing held 5/20/2004 and 6/17/2004) with the changes as presented. Unanimous.

Consent Agreements

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Consent Agreements in case numbers 2004-063, 2004-072, 2002-038, 2003-132, and 2004-070. Unanimous.

Dismissed Complaints

A motion was made by Sharon Millett and seconded by David Kitchen to accept the proposed Dismissals in case numbers 2002-084, 2004-025, 2004-057, and 2002-128. Unanimous.

Discussion

Advertising – home phone numbers: Briefly discussed.

Policy Discussion – disclosure of type of criminal conviction in Commission decisions and consent agreements: Discussion continued to next meeting.

Director's Report

Draft – Legislative Proposals: As discussed at the June meeting members were provided with a proposal that included changes to the brokerage contract, trust account and records retention, as well as draft language defining “transaction brokerage”. Proposed language to define and establish brokerage standards for a non agent role was also provided. The Commission reviewed and discussed the proposals. A committee will be established to prepare proposals for review at the August meeting. A meeting was tentatively scheduled for August 5.

Core Course Topic(s) for 2005-06: Discussed possible topics.

ARELLO District 1 Meeting Report: The Commission's Director attended the meeting held June 27-29, 2004 in Wilmington, Delaware and provided Commission members with a report.

Maine Association of Realtors – Request for Advisory Ruling

The Commission received a request for an advisory ruling from the Maine Association of Realtors requesting clarification of how the license law is being applied to practice in the area of advertising, with specific attention to what specific contact information must be displayed on signs and websites. The members determined that an advisory ruling is not necessary at this time. The Director will prepare a bulleted list of advertising tips to be posted on the web site.

Next Meeting Scheduled for August 19, 2004

The meeting was adjourned at 3:10 p.m.

This report respectfully submitted,

Earl Black
Chairman

Carol J. Leighton
Director